IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23030 of 2004

Between:

C.Balasubramanyam S/o.Late C. Chandrasekhar
R/o. Plot No.109, Road No.9, Trimurthy Colony, Secunderabad.

..... PETITIONER

AND

1 The Commissioner of Police Cyberabad City (Ranga Reddy District)
o/o.The Commissioner of Police Lakdikapool, Hyderabad.
2 The Asst. Comissioner of Police Malkajgiri Division, R.R. District.
3 The Inspector of Police Malkaiguri Police Station Secunderazbad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the Respondents in not 'registering' the complaints dated 25.8.2004, 28.10.2004 and 30.11.2004, submitted by the Petitioner, as illegal, arbitrary, unconstitutional and violative of Fundamental Rights guaranteed as Per Law and consequently direct the respondents to 'Register' the Complaints of the Petitioner and pass such other orders/orders.

Counsel for the Petitioner: MR.M.NAGA RAGHU

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner claims to have submitted complaints on 25-08-2004, 28-10-2004 and 30-11-2004 before respondents 2 and 3, narrating his grievance and alleging some criminal acts on the part of certain individuals mentioned therein. His grievance is that no action has been taken so far and seeks appropriate directions in this regard.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

In the complaints referred to above, the copies of which are filed before this Court, a detailed reference is made to various incidents that are said to have taken place between the petitioner on the one hand, and certain persons referred to therein on the other. It mainly relates to some property transactions. The petitioner alleges that he has been coerced and forced to sign certain documents and that the same are tainted with illegality.

Whenever a complaint is made by a citizen to the Police, they are required to take appropriate action. If the complaint is not acted upon, the citizens are not without any remedy. Section 200 Cr.P.C.(for short 'the Code') provides for submission of complaint to the Magistrate, who, in turn, shall take necessary steps, as provided under Chapter XV of the Code. Taking cognizance by a Magistrate on a complaint submitted by the party is one of the recognized modes under Section 190 of the Code. The petitioner can certainly avail that remedy instead of seeking a direction to the police officials.

Hence, the writ petition is disposed of, leaving it open to the petitioner to file a complaint before the Magistrate, who is having jurisdiction, under Section 200 of the Code and if the same is presented, it shall be dealt with in accordance with law. No order as to costs.

13-12-2004

Note: Issue C.C. by three days

(B/o)

kdl

To

1 The Commissioner of Police Cyberabad City (Ranga Reddy District) o/o.The Commissioner of Police Lakdikapool, Hyderabad.
2 The Asst. Comissioner of Police Malkajgiri Division, R.R. District.
3 The Inspector of Police Malkaiguri Police Station, Secunderabad.

4 Two C.Cs. to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad, (OUT).

5 Two C.D. Copies.